

L.Voo



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAR 10 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5939 9637**

David Campion, Director  
Office of Public Property  
County of Middlesex  
97 Apple Orchard Lane  
North Brunswick, NJ 08902

Re: 2<sup>nd</sup> Notice - Notice of Violation and Request for Information Pursuant to Section 9005 of the Solid Waste Disposal Act, as amended

**RCRA-UST-IR-14-003**

Federally Regulated Underground Storage Tanks (USTs) Owned/Operated by Middlesex County or affiliates.

Dear Mr. Campion,

Per the U.S. Environmental Protection Agency's (EPA) records, you received an Information Request Letter issued to the above address pursuant to Section 9005 of the Solid Waste Disposal Act (SWDA) on or about January 23, 2014 (enclosed). You were required to respond within thirty (30) days or by February 23, 2014. A review of EPA's records indicates that we have not received the required response. It is imperative that you or your representative contact our offices within 5 days of receipt of this letter. Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law, including but not limited to initiating a formal enforcement action pursuant to Section 9006 of RCRA, 42 U.S.C. 6991e which may include seeking penalties of up to \$16,000 per UST per day of violation. Please also note that all information you provide may be used in an administrative, civil judicial, or criminal action.

Please contact Paul Sacker at (212) 637-4237 or by e-mail at [sacker.paul@epa.gov](mailto:sacker.paul@epa.gov). I urge your prompt response concerning this matter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Leonard Voo".

Leonard Voo, Acting Chief  
RCRA Compliance Branch  
Division of Enforcement and Compliance Assistance

Enclosures

cc: Michael Hastry, Chief  
Bureau of Hazardous Waste and UST Compliance and Enforcement  
New Jersey Department of Environmental Protection  
Mail Code 09-03  
9 Ewing Street  
P.O. Box 420  
Trenton, New Jersey 08625-0420

## ENCLOSURE I

### INSTRUCTIONS AND DEFINITIONS

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the owner of the properties known as:

NJ012722 Middlesex County Highway Complex & CVM 97 Apple Orchard Lane North Brunswick, NJ 08902	NJ012741 Middlesex County Area 1 Garage 217 Bertrand Ave. Perth Amboy, NJ 08861
NJ012734 Johnson County Park Johnson Drive Piscataway, NJ 08904	NJ020668 Middlesex County Area 3 Garage 750 Jernee Mill Road Sayreville, NJ 08872
NJ012738 Donaldson County Park Riverview Ave. Highland Park, NJ 08904	

The signatory must sign the attached Certification of Answers (Enclosure III) and return it with the response to this Request for Information.

2. A complete response must be made to each individual question in this Request for Information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility whom you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. It is your responsibility to try to obtain any information pertinent to any question. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner the number of the question to which it

applies.

8. If anything is deleted from a document produced in response to the Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such documents by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company, for the purposes of the Request for Information, is The County of Middlesex, NJ, and any related entity.
11. Unless the question clearly provides otherwise, each question must be answered for the UST systems located at the facilities listed above and owned and/or operated or previously owned and/or operated by the County of Middlesex, NJ.
12. Underground storage tank or UST shall be defined, for the purposes of this Request for Information, as any one or combination of tanks (including pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. See 40 C.F.R. § 280.12.
13. Underground storage tank system or UST system shall be defined, for the purposes of this Request for Information, as an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any. See 40 C.F.R. § 280.12.
14. A facility, for the purposes of this information gathering, is defined as the property on which USTs are or were previously located.
15. Owner shall be defined, for the purposes of this Request for Information, as any person who owns an UST system used for storage, use, or dispensing of regulated substances. See 40 C.F.R. § 280.12.  
  
Operator shall be defined, for the purposes of this Request for Information, as any person in control of, or having responsibility for, the daily operation of an UST system. See 40 C.F.R. § 280.12.
16. NJ DEP shall be defined as the New Jersey Department of Environmental Protection.

## ENCLOSURE II

### INFORMATION REQUEST

All information requested by EPA pertains to the USTs located on the properties known as:

NJ012722 Middlesex County Highway Complex & CVM 97 Apple Orchard Lane North Brunswick, NJ 08902	NJ012741 Middlesex County Area 1 Garage 217 Bertrand Ave. Perth Amboy, NJ 08861
NJ012734 Johnson County Park Johnson Drive Piscataway, NJ 08904	NJ020668 Middlesex County Area 3 Garage 750 Jernee Mill Road Sayreville, NJ 08872
NJ012738 Donaldson County Park Riverview Ave. Highland Park, NJ 08904	

For each of the following questions please provide documentation such as lease agreements, engineering reports, as built drawings, registrations, tests, proposals, work orders, invoices, etc., site assessments, or closure reports to support your answers to each question. Submit the information in the order presented below.

#### **UST Owner/ Operator History**

1. Provide the names, addresses and telephone numbers of all entities that own the properties listed above. Provide the month/ day/ year in which any or all owners acquired ownership of the properties.
2. Provide the names, addresses and telephone numbers of all entities that own and/or operate the USTs located at the properties listed above. Provide the month/ day/ year in which any or all owners or operators acquired ownership of the USTs.
3. Describe the legal relationship between the owners of the properties listed above and the owners or operators of the USTs. Provide documentation supporting your statements.
4. If any of the facility name and/or address information listed above is incorrect, please provide the correct information including facility mailing address if different.

#### **General UST Information**

5. Provide a copy of each facility's original UST registration application (required to be provided to the NJDEP) and a copy of the current registration certificate.
6. Provide the day, month, and year that each UST was installed. If the installation date is

unknown, please state so or give your best estimate.

7. Provide the capacity of each UST and indicate the regulated substances currently stored, or which were stored, in each UST.
8. Provide the construction material of tank and piping for each UST system, and if available the name of the manufacturer of the underground tank.
9. Indicate whether the fuel pipes are pressurized or suctioned.

#### **Overfill, Spill, and Corrosion Protection**

10. State the type of overfill prevention devices employed with each UST. The three main types of overfill protection devices are: automatic shutoff devices (sometimes referred to as a "fill pipe device"), overfill alarms, and ball float valves.
11. State if the USTs have catchment basins which are also called "spill containment manholes" or "spill buckets."
12. For each UST and pipe system that are made of unprotected metal, state the type of corrosion protection (cathodic - sacrificial or impressed current, or interior lining) used for each component. For systems protected by cathodic protection, provide copies of the last two corrosion tests. For systems with internal liners, please provide the results of all liner inspections for the last five years.

#### **Leak Detection for the USTs**

13. Please provide for each UST the method(s) of leak detection used to comply with the leak detection regulations found in 40 C.F.R. § 280.40 to § 280.45, which are either Monthly Monitoring (which includes, secondary containment with interstitial monitoring, vapor monitoring, groundwater monitoring, statistical inventory reconciliation (SIR), automatic tank gauging\* (ATG), or other methods approved by NJDEP.

\*If the leak detection method is Automatic Tank Gauging (ATG), please state the manufacturer and model of the ATG along with a description of its capabilities.

**Note 1: During a November 15, 2013 EPA inspection of the USTs located at facility known as Johnson County Park, Johnson Drive, Piscataway, NJ; no monthly release detection records from the ATG for the one tank at this facility were made available for the period from November 15, 2012 through November 15, 2013. Additionally, although the ATG unit reported "All Functions Normal", indicating no alarms, the "Tank Leak Test History" printed out by the inspector indicated that that there were no results for any leak test for at least the previous twelve months recorded by the ATG unit. Therefore, please**

provide evidence that monthly release detection records were maintained for the one tank at this facility for the period of November 15, 2012 until present. If you did not maintain records of monthly monitoring of the tank, or cannot provide the records of said monitoring for the period requested, please state so and explain why you did not monitor the tank for releases or cannot provide the records. Also, please indicate if there have been any alarms or failing tests recorded within the past five years and what was done to address these incidents.

Note 2: During a November 15, 2013 EPA inspection of the USTs located at the facility known as Donaldson County Park, Riverview Ave., Highland Park, NJ; no monthly release detection records from the ATG for the one tank at this facility were made available for the period from November 15, 2012 through November 15, 2013 although the ATG unit reported "All Functions Normal" and provided a passing continual statistical leak detection for the day of the inspection. A printout from the ATG indicated that the last monthly passing tests recorded were for the period of November 1, 2003 through October 1, 2004. Additionally, the "Tank Leak Test History" printed out by the inspector indicated that that there were no results for any passed leak test for the previous year recorded by the ATG system and that the "last periodic test passed" was for October 19, 2004. Therefore, please provide evidence that monthly release detection records were maintained for the one tank at this facility for the period of November 15, 2012 until present. If you did not maintain records of monthly monitoring of the tank, or cannot provide the records of said monitoring for the period requested, please state so and explain why you did not monitor the tank for releases or cannot provide the records. Also, please indicate if there have been any alarms or failing tests recorded within the past five years and what was done to address these incidents.

Note 3: During a November 19, 2013 EPA inspection of USTs located at the facility known as Middlesex County Area 1 Garage, 277 Bertrand Ave., Perth Amboy, NJ; no monthly release detection records from the ATG for the gasoline tank were made available for the months of April, August, September and October 2013. Therefore, please provide evidence that monthly release detection records were maintained for the gasoline tank at this facility for the months of April, August, September and October, 2013. If you did not maintain records of monthly monitoring of this tank during the months in question, or cannot provide the records of said monitoring for the period requested, please state so and explain why you did not monitor the tank for releases or cannot provide the records. Also, please indicate if there have been any alarms or failing tests recorded within the past five years and what was done to address these incidents.

#### **Leak Detection for Pressurized Pipes.**

14. If any of the UST systems include pressurized fuel pipes provide documentation showing that the fuel pipes are equipped with an automatic line leak detector (ALLD).
  - a) Either show that the fuel pipes have had an annual line tightness test which is

able to detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure, or has monthly monitoring such as secondary containment with interstitial monitoring, vapor monitoring, groundwater monitoring, statistical inventory reconciliation (SIR), or any other method approved in advance of its use for the USTs at the facility by NJDEP.

**Note 4:** During the November 18, 2013 EPA inspection of USTs located at the facility known as Middlesex County Highway Complex and CVM, 97 Apple Orchard Lane, North Brunswick, NJ. The inspector was provided evidence that the two pressurized tank systems for the diesel fuel tanks were monitored for releases via electronic interstitial monitoring (liquid status sensors). However, monthly records of this release detection were not provided for the period of November 18, 2012 through November 18, 2013. In addition, no line tightness test results for these two lines were provided. Therefore, please provide monthly release detection records for the two pressurized diesel fuel lines at the facility for the period of November 18, 2012 through the present. Alternatively, you may provide a line tightness test for the diesel lines conducted during the period of November 18, 2012 through November 18, 2013. If you did not conduct monthly monitoring of the pressurized lines and/or conduct an annual line tightness test during the periods requested, or cannot provide the records of said monitoring/tightness tests, please state so and explain why you did not monitor the tanks for releases or cannot provide the records.

**Note 5:** During the November 19, 2013 EPA inspection of UST facilities located at the facility known as Middlesex County Area 3 Garage, 750 Jernee Mill Road, Sayreville, NJ, the inspector was provided evidence that the two pressurized tank systems for the diesel tanks were monitored for releases via electronic interstitial monitoring (liquid status sensors). However, monthly records of this release detection were not provided for the period of November 19, 2012 through November 19, 2013. In addition, no line tightness tests for these two lines were provided. Therefore, please provide monthly release detection records for the two pressurized diesel lines at the facility for the period of November 19, 2012 through the present. Alternatively, you may provide a line tightness test for the diesel lines conducted during the period of November 19, 2012 through November 19, 2013. If you did not conduct monthly monitoring of the pressurized lines and/or conduct an annual line tightness test during the periods requested, or cannot provide the records of said monitoring/tightness tests, please state so and explain why you did not monitor the tanks for releases or cannot provide the records.

- b) Describe the type of leak detector used, and if applicable, provide copies of records showing that the line leak detectors have been tested during the past twelve months.

**Note 6:** During the November 18, 2013 EPA inspection by of USTs located at the facility known as Middlesex County Highway Complex and CVM, 97 Apple Orchard Lane, North Brunswick, NJ, an annual automatic line leak detector (ALLD) test was only provided for the pressurized piping systems on tank DRE1 (diesel fuel) dated November 26, 2012. No



ALLD test was provided for tank GRE6 (diesel fuel). Therefore, please provide an ALLD tests for the period of November 18, 2012 through November 18, 2013 for tank GREE6. If you did not conduct ALLD tests during the period requested, or cannot provide the records of said monitoring/tightness tests, please state so and explain why you did not perform ALLD tests or cannot provide the results of said tests.

Note 7: During the November 19, 2013 EPA inspection of USTs located at the facility known as Middlesex County Area 3 Garage, 750 Jernee Mill Road, Sayreville, NJ, annual automatic line leak detector (ALLD) tests for the two pressurized lines were only provided for the year 2008, no current tests were provided. Therefore, please provide all ALLD tests for the period of November 19, 2008 through the present for the two pressurized lines. If you did not conduct ALLD tests during the period requested, or cannot provide the records of said monitoring/tightness tests, please state so and explain why you did not perform ALLD tests or cannot provide the results of said tests.

#### **Leak Detection for Non-Exempt Suction Pipes.**

15. Underground piping that conveys regulated substances under suction must either have a line tightness test conducted at least every 3 years and in accordance with §280.44(b), or use a monthly monitoring method conduct in accordance with §280.44(c).

Note 8: During the November 18, 2013 EPA inspection of USTs located at the facility known as Middlesex County Highway Complex and CVM, 97 Apple Orchard Lane, North Brunswick, NJ, the inspector was provided evidence that the one non-exempt suction system for the gasoline tank (Tank GRE5) was monitored for releases via electronic interstitial monitoring (liquid status sensors). However, monthly records of this release detection were not provided for the period of November 18, 2012 through November 18, 2013. In addition, no line tightness test for this lines within the previous three years prior to the inspection was provided. Therefore, please provide monthly release detection records for the one non-exempt suction line line system at the facility for the period of November 18, 2012 through the present. Alternatively, you may provide a line tightness test for the non-exempt suction gasoline line for the period of November 18, 2010 through November 18, 2013. If you did not conduct monthly monitoring of the pressurized lines and/or conduct an annual line tightness test during the periods requested, or cannot provide the records of said monitoring/tightness tests, please state so and explain why you did not monitor the tanks for releases or cannot provide the records.

You may also provide documentation that the suction system for Tank GRE5 is exempt from release detection requirements of 40 C.F.R. §280.41(b)(2). To do so, you must provide evidence that

- (i) The below-grade piping operates at less than atmospheric pressure;

- (ii) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;
- (iii) Only one check valve is included in each suction line;
- (iv) The check valve is located directly below and as close as practical to the suction pump; and
- (v) A method is provided that allows compliance with paragraphs (b)(2) (ii)-(iv) of this section to be readily determined.

#### **Closure**

- 16. If any UST system was temporarily closed or out of service within the last five years, please provide:
  - a) The date it was temporary closed or taken out of service;
  - b) The period of time it was closed or non-operational; and
  - c) Whether the UST system was empty, as defined by 40 C.F.R. § 280.70 (a), during the period of temporary closure.
- 17. If any UST system is permanently closed, or if there was a change in service from regulated to non-regulated substances, provide:
  - (a) The date of permanent closure or of the change in service; and
  - (b) A copy of the site assessment report required by 40 C.F.R. § 280.72.

#### **History of Releases**

- 18. Please provide history of any releases reported and/or investigated at any facility owned by Middlesex County over the last five years. Provide notifications to NJ DEP, summaries of investigations, and remedial steps taken to address confirmed releases.

#### **Financial Responsibility**

- 19. Please provide documentation of compliance with federal regulatory financial responsibility requirements (40 CFR 280 Subpart H) in case of a release from a UST.

**Other Facilities**

20. Provide a complete list of all the facilities you/ your entity own(s) and/or operate(s) which utilize federally-regulated UST systems. For each facility indicate the number of UST systems, and include each facility's UST registration number.



### ENCLOSURE III

#### CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under the penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information which may include the possibility of fine and imprisonment.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
AFFILIATION

